

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

WILLIAM D. PAUL,)	
)	
Petitioner,)	
)	
v.)	Civil Action No.: 02:07mc3367-MHT-CSC
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

**MOTION FOR LEAVE TO FILE RESPONSE
OUT OF TIME**

Comes now the United States by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and respectfully requests that the attached response be accepted out of time, and as grounds states as follows:

1. The respondent was ordered to show cause on or before July 16, 2007, why the petitioner's Motion to Quash filed herein on June 25, 2007, should not be granted.
2. The undersigned was unexpectedly required to prepare and defend the United States' interest in a 28 U.S.C. § 2241 matter that was filed July 3, 2007, served upon the United States on July 5, 2007, which required the filing of a response on July 9, 2007, and was set for an evidentiary hearing requiring the presence of at least 4 witness for the United States on July 10, 2007 and again on July 17 and July 18, 2007.¹ The press of investigating, briefing, interviewing and prepping the testimony of the United States'

¹ See, Ready v. United States, USDC # 2:07-cv-618-WHA.

witnesses consumed the vast amount of the undersigned's time the week of July 9 - 13 and July 16, 2007. However, the undersigned while preparing to write the required response the night of July 16, 2007, discovered that the petitioner had not only filed a Motion to Quash in the above styled cause, but a similar Motion to Quash in another case, 02:07mc3369-WKW-CSC. Not wishing to file responses dealing with identical issues before two different judges of this Court, the undersigned filed a Motion to Consolidate and therein requested an extension of time to answer.

3. By order entered July 20, 2007, the Court consolidated the Motions to Quash into the above-styled cause but did not grant the respondent's motion to the degree it sought an extension of time. The undersigned, however, was not aware of the Court's order until Monday, July 23, 2007, as he was out of the office on personal matters on July 20, 2007.

4. Counsel for respondent was unable to reach the petitioner to determine his position in this request.

Respectfully submitted this 24th day of July, 2007.

LEURA G. CANARY
United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on July 24, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and I hereby certify that I have mailed, by United States Postal Service, a copy of same to the following non-CM/ECF participant(s):

William D. Paul
102 Meadow wood Court
Wetumpka, AL 36093

s/R. Randolph Neeley
Assistant United States Attorney